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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,910	04/05/2004	Marcus Dill	13906-126001 / 2003P00395	2649
32864	7590	08/29/2008	EXAMINER	
FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			HARPER, LEON JONATHAN	
			ART UNIT	PAPER NUMBER
			2166	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/816,910

**Applicant(s)**

DILL ET AL.

**Examiner**

Leon J. Harper

**Art Unit**

2166

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3-9, 11, 12 and 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-9, 11-12, 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed 5/30/2008 has been entered. Claims 1, 12, and 21 have been amended. Claim 10 has been cancelled and claims 27 and 28 have been added. Accordingly, claims 1, 3-9, 11, 12 and 14-28 are pending in this office action.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,3-12, 14-26 are rejected under 35 U.S.C~ 102(e) as being anticipated by US 20030115192 (hereinafter Kil)

Claim 1.

Kil discloses:

A computer-implemented method for performing a data analysis process~ the method comprising:

accessing an input identifying a data analysis process (See figure 3: note: natural selection);

accessing user-defined data associated with the data analysis process, the user-defined data including sub-process indicators defining the data analysis process each sub-process indicator identifying a sub-process associated with the data analysis process, (See paragraph 0017 and figure 3: note user elements): wherein

at least one identified sub-process is a deployment sub-process for storing in electronic storage, a data attribute created in another one of the identified sub-processes ( See figure 2 ), and

at least one identified sub-process is (1) an extraction sub-process for extracting data from a transactional data source, (2) a transformation, sub-process for transforming data extracted from the transactional data source from a data format used by the transactional data source to a data format used for analytical processing, (3) a loading sub-process for loading data into an analytical data source that is used for analytical processing, or (4) a data mining sub-process for creating a data attribute by performing an analytical process on data from the analytical processing data source; and performing the sub-processes identified by the sub-process indicators included in the user-defined data (See figure 8, paragraphs 0017, 0018) the user-defined data provides an indication identifying an order for performing the identified sub-processes

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(See paragraphs 0070,; and 0096) Performing the sub-processes comprises performing the sub-processes in the order identified by the user-defined data.(See paragraph 0096).

Claim 3.

Kil discloses the elements to claim 1 as above and furthermore it discloses performing the deployment sub-process to store the data attribute in electronic storage comprises performing the deployment sub-process to store the data attribute in one of a transactional data source, an analytical data store used for analytical processing (See paragraph 0081 ).

Claim 4.

Kil discloses the elements to claim 1 as above and furthermore it discloses wherein one of the accessed sub-process indicators is associated with a computer program that causes the indicated sub-process to be performed (See paragraph 0018).

Claim 5.

Kil discloses the elements to claim 1 as above and furthermore it discloses accessing meta-data elements to be used in the data analysis process wherein each meta,data element is associated with 1) a corresponding data element in the transactional data source, 2) a corresponding data element in the analytical process data source, or 3)

both a corresponding data element in the transactional data source and a corresponding data element in the analytical process data source (See paragraph 0070 ).

Claim 6.

Kil discloses the elements to claim 1 as above and furthermore it discloses each of the identified sub-processes are capable of sending messages that are sent using the same message format (See paragraph 0076).

Claim 7.

Kil discloses the elements to claim 6 as above and furthermore it discloses having one of the identified sub-processes send a message to another of the identified sub-processes and

having the identified sub-process that receives the message perform a process in response to receiving the message (See paragraph 0076).

Claim 8.

Kil discloses the elements to claim 1 as above and furthermore it discloses: accessing an indication defining how a particular error is to be processed during the data analysis process [Para 0033]; and

when the particular error is detected during the data analysis process, processing the particular error based on the indication defining how the particular error is to be processed [Para 0031].

Claim 9.

Kil discloses the elements to claim 1 as above and furthermore it discloses:  
accessing an indication identifying a computing device or a component of a computing device to be used during the execution of one of the identified sub-processes (See paragraph 0070); and

using the identified computing device or the component of the computing device during the execution of the one of the identified sub-processes based on the accessed indication (See paragraph 0070).

Claim 11.

Kil discloses the elements to claim 1 as above and furthermore it discloses:  
accessing an indication identifying when the data analysis process is to be initiated (See paragraph 0060 ) and

controlling initiation of the data analysis process such that the initiation is based on the accessed indication (See paragraph 0060).

4. Subject matter of claims 12,14-21 are rejected in the analysis above in claims 1,3-11 and these claims are rejected on that basis.

Claim 22.

Kil discloses the elements to claim 1 as above and furthermore it discloses:  
wherein the sub-process indicators identify multiple sub-process of the same type. (See paragraph 0046).

Claim 23.

Kil discloses the elements to claim 1 as above and furthermore it discloses:  
wherein the sub-process indicators comprise a first sub-process indicator that5=  
identifies a sub-process of a first type and a second sub-process indicator that identifies  
a sub-process of the first type.(See paragraph 0064)

Claim 24.

Kill discloses the elements to claim 1 as above and furthermore it discloses:  
accessing data identifying a first user-defined parameter for the first sub-process  
indicator.(See paragraph 0070); and

Accessing data identifying a second user-defined parameter for the second sub-  
process indicator, the second user defined parameter for the second sub-process  
indicator being different than the first user-defined parameter for the first sub-process  
indicator.[Para 0071,0080),

Wherein performing the sub-process indicator in accordance with the first user-  
defined parameter and performing the sub-process of the first type identifies by the



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second sub-process indicator in accordance with the second user-defined parameter  
.(See paragraph 0070)

Claim 25.

Kil discloses the elements to claim 1 as above and furthermore it discloses:

Accessing data identifying one or more user-defined parameter for each of the sub-process indicators, wherein performing the sub-processes comprises performing the sub-processes in accordance with the accessed user-defined parameters.(See paragraphs 0070,0071)

Claim 26.

Kil discloses the elements to claim 10 as above and furthermore it discloses: wherein the user-defined data is first user-defined data, the first user-defined data including first sub-process indicators and providing an indication identifying a first order for performing the first sub-process, the first order for performing the first sub-process being different than the second order for performing the first sub-processes identified by second user-defined data including the first sub-process indicators (See paragraph 0070,0081).

Claims 27 and 28 are method claims substantially corresponding to claim 1 and is thus rejected for the same reasons as set forth in the rejection of claim 1.

***Response to Arguments***

Applicant's arguments filed 5/30/2008 have been fully considered but they are not persuasive.

**Applicant argues:**

As amended, independent claim 1 recites, inter alia, performing sub-processes in an order identified by user-defined data that includes sub-process indicators that identify sub- processes and provides an indication identifying an order for performing identified sub- processes. Applicants submit that Kil fails to describe or suggest at least these features. Specifically, Kil describes a system configured to assist a user in defining a data mining operation. See Kil at Abstract. More specifically, the Kil system is configured to receive, from a user, natural language input describing a goal of a data mining operation and process the natural language input to identify a data mining operation that achieves the described goal. See Kil at paragraphs [0017] and [0018]. The Kil natural language input, however, does not include sub- process indicators that identify sub-processes, nor provide an indication identifying an order for performing identified sub-processes. Rather, the Kil natural language input describes a goal of a data mining operation without identifying operations to achieve the described goal.

**Examiner responds:**

Examiner is not persuaded. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. Interpretation of Claims-

Broadest Reasonable Interpretation: During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969). In this case the only thing required by the claim is an *indicator* with the indicator is only used (in the claims) to identify a sub process. Only one sub process needs to be identified, accordingly, the indicator does not need to indicate all of the different sub process, as long as the indicator indicates a sub process the requirements of the claims have been met. So even though the goal is what is specified by a user in a natural language, the goal is mapped into an actionable set of input and output specifications for data or in other words an indicator of the type of data mining process that should be undertaken (See paragraph 0004).

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*LJH*  
*Leon J. Harper*  
*August 17, 2008*

/Hosain T Alam/  
Supervisory Patent Examiner, Art Unit 2166

**Application Number****Application/Control No.**

10/816,910

**Applicant(s)/Patent under  
Reexamination**

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**Examiner**

Leon J. Harper

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